

## REMARKS

Claims 3, 6-9, 15, 17-19, 22, 24, 26 and 29-30 have been amended. Claim 25 has been canceled, without prejudice. New claim 33, depending from claim 22, has been added. Claims 2-4, 6-9, 11-15, 17-19, 22-24 and 26-33 are presently pending.

Claim 9 has been amended to recite that the updated demand quantities include information about "a predetermined" equipment feature of the product. A "predetermined" equipment feature is a definite term, ascertainable by one of skill in the art. (See specification, for example, page 39, lines 9-23). Therefore, the rejection of claim 9 under 35 U.S.C. § 112, second paragraph ("Section 112"), for indefiniteness should be withdrawn.

In addition, claim 6 has been amended by replacing "numbers" with --quantities--, which overcomes the rejection of claim 6, under Section 112, for lack of antecedent basis. Further, based on the amendment of claim 6, the Section 112 rejection of claim 8, which depends from claim 6, also has been overcome.

Claims 15 and 17 have been amended to eliminate the informalities noted by the Examiner. In addition, claims 18 and 19 have been amended to become independent claims, each of which includes the limitations of amended claim 22. Accordingly, the Examiner's objection to claims 15 and 17, and to claims 18 and 19 under 37 C.F.R. § 1.75(c), for failing to limit the subject matter of a previous claim, have been overcome and, therefore, should be withdrawn.

In view of such amendments and the following remarks, reconsideration and allowance of the claims, as presently presented, are respectfully requested.

### EXAMINER'S ACTION

#### The 35 U.S.C. § 102 Rejections

Claims 2-4, 6-9, 11-15, 17-19 and 22-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by WO 94/01826 ("Brown").

Amended independent claims 22, 29 and 18-19, and claims 2-4, 6-9, 11-15, 17, 23-24, 26-28 and 30-32 and new claim 33, which depend directly or indirectly from claims 22 or 29, clearly are patentable over Brown.

Independent claim 22, as amended, is directed to a method for simulating order processing processes used for producing a product "available in a plurality of versions or a plurality of selectable features" (emphasis added). The claimed method includes entering demand quantities for a product "for at least one predefined first forecast period of time, wherein the demand quantities specify at least one of a version and a feature of the product," adjusting the demand quantities based on manufacturing and supplier capacities, and "generating updated demand quantities for a predefined second forecast time period by evaluating the adjusted demand quantities for the first period and at least one of" approved firm order allocations, approved modular allocations and simulated buyer orders newly received by dealers. (See specification, for example, page 5, line 24 to page 6, line 11; page 39, lines 6-20). In addition, claim 22 requires "matching of the adjusted, updated demand quantities with at least one of an actual customer order and an actual dealer specification of a finished product, wherein the at least one of the actual customer order and the actual dealer specification is assigned to a matching, adjusted, updated demand quantity not yet assigned to an actual customer order or an actual dealer specification". (See specification, for example, page 17, lines 5-9; page 41, lines 6-20). Further, the method of claim 22 requires "generating assumption data

representative of at least the adjusted, updated demand quantities assigned to the at least one actual customer order and actual dealer specification", and outputting the assumption data to the production sites. (See specification, for example, page 17, lines 10-15; page 41, line 20-page 42, line 6). Thus, the claimed invention (i) simulates demand for a product, which is available in multiple versions or with multiple selectable features, by simulating demand quantities for specific versions or features of the product for a first time period (step a)), and then updating (refining) the simulation of the demand quantities for a second time period based, in part, upon the simulated demand quantities for the first time period (step c)); and (ii) matches actual customer orders or actual dealer specifications for finished products with the "updated" demand quantities.

In contrast to the claimed invention, Brown concerns simulating processes for the manufacture of a finished good, in view of existing inventories and orders to outside suppliers for the materials used (and processed) in the manufacture of the finished good. (Page 3, lines 17-20). In the Brown simulated manufacturing process, finished goods are available only in a single version or with precisely determined features, and cannot be produced in various versions or with selectable features, as required by claim 22.

In addition, Brown determines how to adapt a production process schedule to satisfy customer orders, and then after the adaptation of the production process, provides for production of the ordered products according to a fixed schedule and so that the processing steps can be performed in parallel. Referring to Brown, page 10, lines 17-29, page 16, lines 1-10 and FIG. 4, the Brown simulation process includes capacity requirement planning, which, when actual customer orders are detected as causing an "overload" at a processing step of the process, modifies the simulation

process based on "activity" changes, such as the renegotiating of a customer due date, adding capacity, expediting a scheduled receipt of inventory parts or shifting work to an earlier time period, and then repeats the simulation process following the implementation of an activity change. The claimed invention, in contrast to Brown, does not perform or permit the implementation of "activity" changes to the simulation process, as described in Brown.

Thus, Brown does not perform a first simulation of demand quantities, and then a second simulation of demand quantities based in part upon the demand quantities of the first simulation, and then match actual orders or actual dealer specifications for a finished good with the "updated demand quantities" that result from the second simulation, as required by claim 22. Referring to claim 22, a simulation is performed for two time periods and is based upon predicted orders, and actual customer orders or actual dealer specifications are incorporated into the actual production process only at a very late stage of the production process, in other words, actual customer orders or actual dealer specifications are not utilized in and do not impact the simulation. (See specification, for example, page 17, lines 5-10).

Accordingly, claim 22 is patentable over Brown.

In addition, independent claim 29, which claims a simulation system having limitations corresponding to those of claim 22 discussed above, is patentable over Brown for the same reasons as set forth above with respect to claim 22.

Similarly, independent claims 18 and 19, which are directed to a computer program product with a computer readable storage medium and a computer readable storage medium, respectively, for storing a program enabling a computer to execute a process having the same steps as recited in claim 22, are patentable over Brown for the

same reasons as set forth above with respect to claim 22.

Further, claims 2-4, 6-9, 11-15, 17-18, 23-24, 26-28 and 30-33 which depend directly or indirectly from claims 22 or 29, are also patentable over Brown for the same reasons as set forth above with respect to claim 22 and because of the further restrictions they add.

Withdrawal of the Section 102 rejections is, therefore, respectfully requested.

**CONCLUSION**

For the foregoing reasons, it is believed that all of the claims, as presently presented, are patentable.

The Examiner is invited to telephone the undersigned if it is believed that further amendment and/or discussion would help to advance the prosecution of the present application.

Reconsideration and allowance of claims 2-4, 6-9, 11-15, 17-18, 22-24 and 26-33 are, therefore, respectfully requested.

Respectfully submitted,



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